THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4396 OF 2006

Dt.7.3.2006

Between:

T.Komaraiah … Petitioner

And

The Chief Commissioner of Land Administration,

A.P., Hydeabad and 2 others. … Respondents

ORDER:

Petitioner seeks writ of mandamus directing the Mandal Revenue Officer, Serilingampaly Mandal, Ranga Reddy District, not to dispossess the petitioner from his house Plot Nos.9/A, 9/B & 10 admeasuring 600 sq.yards comprised in Sy.No.27 of Madapur Village, Serilingampaly Mandal, Ranga Reddy District, pending disposal of the Appeal CCLA's Ref.No.BCW5/78/2006 before the first respondent.

The case of the petitioner is that he and his family members purchased House Nos.1-89/A/5/1, 1-89/A/13 and 1/89/D constructed on Plot Nos.9/A, 9/B and 10 admeasuring 600 sq.yards situated in

Sy.No.27 of Madapur Village, Serilingampalli Mandal, Ranga Reddy District vide registered sale deed No.14423/2003 dated 14.11.2003 from A.Vani and others, who were said to be owners and possessors of the land in the said Sy.No.27. While so, the 3rd respondent with the help of demolition team has removed the encroachments on 11.3.2004 when the petitioner is trying to construct house in the Government land in Sy.No.87. As against the said action of demolition, the petitioner filed an appeal before the Joint Collector, Ranga Reddy District. The Joint Collector after calling for the records considered the case of the petitioner held that the petitioner is only an encroacher of the Government land and taking advantage of the wrong entries in the pahanies the said land was sold to various persons and the pattedar has made lay out covering the Government land in Sy.No.87 which is adjacent to Sy.No.27. During the survey of the Government land it is found that the pattedar of Sy.No.27 has encroached the Government land and sold away the land in Sy.No.87 without any right whatsoever and therefore the demolition team has demolished the illegal constructions falling in the Government land and not the structures raised in Sy.No.27. As against the said order of the Joint Collector in Case No.E1/2430/2004 dated 31.12.2005, the petitioner filed an appeal before the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad. The Chief Commissioner vide his CCLA's Ref.No.BCW5/78/2006 dt.16.2.2006 admitted the appeal, but rejected to grant stay of the order of the 2nd respondent dated 31.12.2005. Aggrieved by the same, this writ petition has been filed.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue on behalf of the respondents.

Having regard to the facts and circumstances of the case, without expressing any opinion as to whether the action of the respondents in removing the encroachments without following the due procedure prescribed under the A.P. Land Encroachment Act or any other law is justified or not and as the appeal is pending before the first respondent, the first respondent is directed to consider and dispose

of the appeal as expeditiously as possible. Pending disposal of the appeal, status quo with regard to the possession of the land in question to an extent of 600 sq.yards comprised in Sy.No.27 of Madapur Village, Serilinampalli Mandal, Ranga Reddy District, shall be maintained.

The writ petition is disposed of accordingly. No order as to costs.

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(V.ESWARAIAH, J.)

7.3.2006

Note: Issue copy by tomorrow

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